

November 29, 2022

VIA ECF

Honorable Sarah L. Cave
United States Magistrate Judge
500 Pearl Street, Room 1670
New York, New York 10007-1312

Re: *Monterey Bay Military Housing LLC, et al. v. Ambac Assurance Corporation, et al.*,
No. 19-cv-09193 (PGG) (SLC)

Dear Judge Cave,

Pursuant to Federal Rule of Civil Procedure 5.2(d), Rule I(G)(2) of Your Honor's Individual Practices, this Court's Standing Order No. 19-mc-583, and this Court's ECF Rules & Instructions ("ECF Rules"), Defendants Ambac Assurance Corporation and Dan Ray respectfully request the Court's leave to file under seal their letter setting forth their position with respect to Plaintiffs' claims of privilege over third-party communications and accompanying appendix. The letter and appendix were filed contemporaneously with this Letter Motion in accordance with ECF Rule 6.7.

Defendants' letter cites and directly quotes Docket Entry 518-2, which was filed under seal. *See* Dkt. 521 (granting motion to seal Docket Entry 518 and exhibits). Further, the letter and appendix discuss the content of Plaintiffs' document productions, which include a large number of documents marked confidential pursuant to the Protective Order entered in this case. Under Paragraph 12.4 of the Protective Order, "[w]ithout written permission from the Designating Party or a court order secured after appropriate notice to all interested persons, a Party may not file in the public record . . . any Protected Material." *See* Dkt. 135 ¶ 12.4. Accordingly, out of an abundance of caution, Defendants have filed the letter and appendix under seal and available only to Selected Parties in accordance with ECF Rule 6.9. Defendants will work with Plaintiffs to obtain the required permission to file redacted versions of these documents to the extent necessary.

Respectfully Submitted,

/s/ Daniel M. Kelly
Daniel M. Kelly
Quinn Emanuel Urquhart & Sullivan, LLP

/s/ Amer S. Ahmed
Amer S. Ahmed
Gibson, Dunn & Crutcher LLP

Defendants Ambac Assurance Corporation and Dan Ray's (the "Defendants") letter seeking to file its letter setting forth their position with respect to Plaintiffs' privilege claims (ECF No. 536) is GRANTED, and the document at ECF No. 537 shall remain visible only to the selected parties. By **Monday, December 5, 2022**, Defendants shall confer with Plaintiffs and file the redacted versions of these documents.

The Clerk of Court is respectfully directed to close ECF No. 536.

SO ORDERED 11/30/22


SARAH L. CAVE
United States Magistrate Judge